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INC. and Third-Party Defendants GLOBAL PHARMACEUTICAL SUPPLY
15 GROUP, LLC, CENTOCOR BIOLOGICS, LLC and JOM PHARMACEUTICAL
SERVICES, INC.

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16 IN THE UNITED STATES DISTRICT COURT

17 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

18 CENTOCOR ORTHO BIOTECH, } Case No. CV 08-03573 MRP (JEMx)
19 INC., }
20 Plaintiff, }
21 v. }
22 GENENTECH, INC. and CITY OF }
HOPE, }
23 Defendants. }
24
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**CENTOCOR ORTHO BIOTECH,
INC. AND ITS COUNTER-
DEFENDANT APPLICATION TO
FILE UNDER SEAL:**

**(1) MEMORANDUM IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT OF INVALIDITY OF
CLAIM 33 FOR FAILURE TO**

1 AND RELATED COUNTER AND
2 THIRD-PARTY ACTIONS.

3 } **CLAIM 33 FOR FAILURE TO**
4 } **COMPLY WITH 35 U.S.C. § 112**
5 } **(MOTION NO. 4)**
6 }
7 } **(2) STATEMENT OF UNDISPUTED**
8 } **FACTS IN SUPPORT OF MOTION**
9 } **FOR SUMMARY JUDGMENT OF**
10 } **INVALIDITY OF CLAIM 33 FOR**
11 } **FAILURE TO COMPLY WITH 35**
12 } **U.S.C. § 112 (MOTION NO. 4)**
13 }
14 } Date: August 17, 2010
15 } Time: TBA
16 } Place: Hon. Mariana Pfaezler,
17 } Courtroom 12

10 Pursuant to Local Rule 79-5.1, Plaintiff Centocor Ortho Biotech, Inc.
11 (“Centocor”) and its Cross-Defendant Affiliates seek leave to file the following
12 documents under seal:

- 13 1. Memorandum in Support of Centocor Ortho BioTech, Inc. and its Cross
14 Defendant Affiliates’ Motion for Summary Judgment of Invalidity Of
15 Claim 33 For Failure To Comply With 35 U.S.C. § 112 (Motion No. 4)
16 (“Memorandum”); and
- 17 2. Statement of Undisputed Facts and Conclusions of Law in Support of
18 Centocor Ortho BioTech, Inc. and its Cross Defendant Affiliates’
19 Motion for Summary Judgment of Invalidity Of Claim 33 For Failure
20 To Comply With 35 U.S.C. § 112 (Motion No. 4) (“Statement of
21 Undisputed Facts”).

22 The documents to be filed under seal contain or reflect confidential business
23 information that is subject to confidentiality provisions. Specifically, the
24 Memorandum cites to and discusses various supporting exhibits, including Exhibits
25 28, and 32 which contain confidential details regarding Genentech’s pharmaceutical
26 research and development. These exhibits, cited and referenced in the Memorandum,
27 have been designated as Confidential pursuant to the terms of the Protective Order.
28

1 Similarly, the Statement of Undisputed Facts cites to and references these same
2 Confidential Exhibits.

3 Also, balancing the potential harm to Centocor, Genentech and third parties if
4 the sensitive business information is released into the public with the relatively low
5 public harm for nondisclosure of this information favors prohibiting disclosure.

6 For the foregoing reasons, Centocor respectfully requests that the Court grant
7 this Application and order the aforementioned documents be filed under seal.

8
9 Dated: July 12, 2010

Respectfully submitted,

10 CONNOLLY BOVE LODGE & HUTZ LLP

11 By: Keith Fraser

Keith D. Fraser

12 Attorneys for Plaintiff CENTOCOR ORTHO
13 BIOTECH, INC. and Third-Party Defendants
14 GLOBAL PHARMACEUTICAL SUPPLY GROUP,
LLC, CENTOCOR BIOLOGICS, LLC and JOM
15 PHARMACEUTICAL SERVICES, INC. LLC and
JOM PHARMACEUTICAL SERVICES, INC.

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